

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Charles Devon Spell

Docket No. 7:04-CR-133-1F

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Charles Devon Spell, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1), Distribute More Than 5 Grams of Cocaine Base (Crack) and a Quantity of Cocaine, and 18 U.S.C. § 472, Pass and Utter a Falsely Made and Forged Counterfeit Obligation, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 14, 2005, to the custody of the Bureau of Prisons for a term of 153 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
4. The defendant shall participate in a vocational training program as may be directed by the probation office.

On April 7, 2009, under 18 U.S.C. § 3582(c)(2), the active term of imprisonment was reduced to 122 months. Charles Devon Spell was released from custody on April 26, 2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On June 7, 2014, in Sampson County, NC, the defendant was charged with the offenses of Possession of Drug Paraphernalia, Driving While Impaired, Open Container/Consume Alcohol Passenger Area (14CR51164) and Fail Stop Stopsign/Flashing Red (14IF701606). According to Trooper Pearson of the North Carolina Highway Patrol, the defendant was stopped by Sampson County Deputies for the stop sign violation. When they approached the car, they smelled the odor of alcohol. They contacted Trooper Pearson who transported the

defendant to the law enforcement center where he registered a .13 BAC. The drug paraphernalia that consisted of a glass pipe was found in the defendant's pocket by the deputies. The defendant admits to drinking and driving. He reports that he had a disagreement with his girlfriend and made a poor decision. He denied the drug paraphernalia belonged to him. He reports it belonged to a cousin and he just stuck it in his pocket so his girlfriend would not see it. The defendant submitted to a urine screen on June 9, 2014, which was negative for drug use. The defendant has been instructed to obtain a driving while impaired assessment and comply with the recommended treatment program. As a sanction for this conduct, we are recommending that the conditions of supervised release be modified to include six days in jail.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days, as directed by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 13, 2014

ORDER OF COURT

Considered and ordered this 16th day of June, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge